

Work Session
December 19, 2005
S-6100 South Park Avenue
Hamburg, N.Y. 14075

Supervisor Hoak calls the meeting to order at 6:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney

6:00 p.m. - 6:10 p.m. RESOLUTIONS

6:10 p.m. - 8:00 p.m. EXECUTIVE SESSION
 PERSONNEL & LEGAL MATTERS

I.

RESOLVED, that the Town Board approve the Transfer Appropriations for the Town Clerk, within the 2005 Budget as follows:

From: Transportation	A1450.424	\$1,886.00
To: Advertising	A1410.435	\$1,886.00

To balance account at year end.

Moved: Hoak	Seconded: Cavalcoli
Roll Call:	Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
	Noes: None
	Carried

II.

BE IT RESOLVED, that the Matusick rezoning request be removed from the table.

WHEREAS, the Town of Hamburg has received a rezoning application from Theresa A. Matusick for the rezoning of property located at 3855 McKinley Parkway from R-2, single family residence attached district to H-C, Hamburg Commercial District, and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed this rezoning request, and

WHEREAS, the rezoning of the property will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, and is consistent with social and economic considerations.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment form.

Moved: Cavalcoli Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

III.

WHEREAS, the Town of Hamburg has received a rezoning application from Theresa A. Matusick for the rezoning of property located at 3855 McKinley Parkway from R-2, single family residence, attached district to H-C, Hamburg Commercial district, and

WHEREAS, the Town held the required public hearing and received comments from the public, other agencies and Town departments, and

WHEREAS, the Town Board has issued a SEQR Negative Declaration, and

WHEREAS, the Town of Hamburg wishes to rezone this parcel from R-2 to H-C for the following reasons:

- 1. The rezoning is in accordance with the Town’s Comprehensive Plan
- 2. The H-C zoning district was specifically created for this area of the Town.
- 3. No adverse comments were received from the public, other agencies or Town Departments.

THEREFORE BE IT RESOLVED, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled “Zoning” to provide for a change in the boundary of the zoning map whereby the zoning is changed from R-2, single family residence, attached district, to H-C, Hamburg Commercial district for the property located at 3855 McKinley Parkway as described as follows:

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York being parts of Lots Numbers forty-eight (48) and fifty-six (56), Township nine (9), Range seven (7) of the Holland Land Company’s Survey and further distinguished as part of Subdivision Lot Number seventy-eight (78) as shown on a map filed in Erie County Clerk’s Office under Cover 925 and being more particularly described as follows:

BEGINNING at an iron pipe on the southerly line of Highland Parkway, having a right of way

width of 100.00 feet and distant easterly 56.08 feet from the northwesterly corner of Sublot 78 as shown on map filed under Cover Number 925, in the Erie County Clerk's Office; said point also being 60.00 feet easterly as measured along the southerly line of Highland Parkway from the centerline of McKinley Parkway, which iron pipe is the true place of point of beginning on the land being herein described; thence easterly along the southerly line of Highland Parkway 32.35 feet to a point thence along the arc of a 4 degree 00 minutes curve having a radius of 1432.68 feet, 37.65 feet to a point; thence southerly and parallel with the easterly line of McKinley Parkway 60.00 feet to an iron; thence easterly and parallel with the southerly line of Sublot 78, 116.00 feet to an iron set on the easterly line of Sublot 78 and distant southerly 51.00 feet from the southerly line of Highland Parkway; thence southerly along the easterly line of Sublot 78, 84.00 feet to a point; thence at a right angle westerly and parallel with the southerly line of Sublot 78, 184.19 feet to an iron on the easterly line of McKinley Parkway, thence northerly along the easterly line of McKinley Parkway 143.82 feet to the place or point of true beginning.

Moved: Cavalcoli Seconded: Quatroche
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilman Cavalcoli comments that this had been left on the table at their last meeting by a 3 to 2 vote and since that time Drew Reilly, Planning Consultant, and Councilwoman Hochul have discussed this and it is hopefully resolved to the best satisfaction that they can get at this time. Should any further development occur on the property in the future or should it get lumped together into a larger use, the Town would again have control because this would have to go back before the Planning Board.

Councilwoman Hochul comments what if they want to direct the Planning Board to devise an arterial access management plan that starts with this property and goes forward, could that be a part of this.

Councilman Cavalcoli responds that is a great idea, but that cannot be a part of this. That would constitute a deed restriction or a problem legally because it has already been reviewed. The driveway already exists on McKinley and this would also have access onto Highland and being such a small business this should not create any traffic safety issues. However her concern is for the future and what if this gets lumped together with other parcels, that could generate a traffic issue. If they institute a traffic plan now, that would cover all of the parcels, that would be a great idea and he will work with the Planning Board on that. One of the number one priorities of the Code Review Committee is to review the McKinley Parkway sections all the way up to 7 corners. There is a lot of land available with a good amount of depth and they need to address those.

Councilwoman Hochul comments that if they had access roads with common driveways, this would go a long way to eliminating the kinds of problems that they have in the northtowns.

Councilman Cavalcoli comments that, at the Planning Board level, they have looked at consolidating properties so that they don't have a lot of small parcels which would require their own access. However, if they lump a lot of properties together and group them then that would encourage that sort of development and that is what they will be pursuing.

Councilwoman Hochul responds that she would support that.

IV.

WHEREAS, the project for reconstruction of the Wanakah Water works building into the Lake Erie Seaway Trail Visitors Center has been on going; and

WHEREAS, the Town of Hamburg has received matching grants from the following NYS agencies:

NYS Parks, Recreation and Historical Preservation	\$50,000
NYS Local Water from Revitalization Program	\$71,000

WHEREAS, these grants are to be used in Phase II and Phase III of the project, and

WHEREAS, the Town has received \$22,000 from a NYS Assembly Grant; and

BE IT FURTHER RESOLVED, that the sum of \$143,000 is hereby advanced from the Trust & Agency account T-37 and made available to cover the cost of participation in the above phase for the Lake Erie Seaway Trail Visitors Center Project; and

BE IT FURTHER RESOLVED, that full reimbursement to the Town T-37 account will be done once the project is complete.

Moved: Hochul Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

Councilwoman Hochul comments that there is nothing new about this. It is simply identifying the account that the funds will be advanced from and paid back. They also wanted to add the \$22,000 from the recently announced Assembly Grant so that they can proceed on spending and getting the reimbursement. Councilwoman Kesner comments Kudos to Councilwoman Hochul for going after that money.

V.

WHEREAS, CMH Company, Inc. is currently under contract to the Town of Hamburg for the construction of the 2005 Waterline Replacement Project in several locations throughout the Town; and

WHEREAS, due to various problems encountered during construction, CMH was not able to meet the November 14, 2005 contract completion date. They have completed the installation and activation of all watermains included in the contract, and have only one remaining interconnection to be made to the existing water system, as well as final property restoration work which they will perform as soon as weather conditions allow in the spring. CMH has requested that the date for overall final completion of the contract be extended until April 30, 2006. There will not be any change in the contract amount associated with this time extension; and

WHEREAS, Nussbaumer & Clarke, Inc. and the Town Engineer have reviewed this time extension request, determined it to be reasonable and acceptable, and recommended that it be approved by the Town Board,

THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign Change Order No. 1 for this project, approving a time extension until April 30, 2006 for the contract of CMH Company, Inc.

Moved: Cavalcoli Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

VI.

RESOLVED, that the Town Board approve the resignation and termination of personnel for the Senior Services Department as follows:

- | | | | |
|---------------------|--------------------|------------|-----------|
| 1. Cox, Kimberly | P/T Rec. Attendant | 12/01/2005 | Resigned |
| 2. Ballard, Betty | P/T Laborer | 12/01/2005 | Resigned |
| 3. Forthman, Herman | P/T Van Driver | 12/01/2005 | Terminate |

Moved: Cavalcoli Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XI.

RESOLVED, that the Town Board approve the hiring of personnel for the Building and Grounds Department as follows:

- | | | | |
|----------------|----------------|------------|--------|
| 1. Gavin, Jodi | Seasonal Clerk | 12/19/2005 | \$9.23 |
|----------------|----------------|------------|--------|

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XII.

WHEREAS, the closing of the Orchard Park Auto Bureau as part of the County fiscal crisis has resulted in an inconvenience for Hamburg and Blasdell residents who must travel to the Cheektowaga or Downtown Auto Bureaus to conduct motor vehicle transactions, and

WHEREAS, Erie County Clerk David J. Swarts has offered to provide mobile auto bureau services once a week on Tuesdays in Hamburg Town Hall, and

WHEREAS, the Mobile Auto Bureau could be established at the existing public counter space in the Tax Office which is available most of the year with the exception of Tax season during which time the service can be made available at the Town Clerk's Office,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg accept the offer of County Clerk Swarts to have the Town serve as a location for the Mobile Auto Bureau every Tuesday, with operations to commence after the conclusion of February tax payments in 2006, and

BE IT FURTHER RESOLVED, that the Town will work closely with the County Clerk to provide these enhanced services to residents and that the Town will work to disseminate information regarding these services at Town Board meetings, and through its website and newsletters.

Moved: Hochul Seconded: Unanimous
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilwoman Hochul comments that this will be ready to go around mid February, once the Evans site is established five days a week. This is great for the residents. Councilwoman Kesner comments that it is a great idea and will provide more services to the South Town residents.

